

## REMARKS

Claims 1 through 4, 6 through 16 and 18 through 24 and new Claims 25 and 26 are pending in the application.

Claim 1 has been amended to emphasize advantageous embodiments in which the inventive coating is transferred completely onto a foodstuff located in the casing. Support for this amendment can be found in the Application-as-filed, for example on Page 4, lines 13 through 14.

Claim 1 has also been amended to further emphasize that the inventive coatings are mixtures. Support for this amendment can be found in the Application-as-filed, for example on Page 9, lines 11 through 12.

Claim 1 has further been amended to further emphasize that the inventive coatings are not water-soluble or are only slightly water-soluble. Support for this amendment can be found in the Application-as-filed, for example on Page 4, lines 33 through 35.

Claim 22 has been amended to reflect advantageous embodiments in which the binder is gelatin or collagen. Support for this amendment can be found in the Application-as-filed, for example on Page 4, lines 20 through 25.

Claims 25 and 26 have been added to complete the record for examination and highlight particularly advantageous embodiments of the invention.

Claim 25 is directed to inventive food casings having a coating weight ranging from 33 g/m<sup>2</sup> to 59 g/m<sup>2</sup> in which the aroma substance, dyes and/or flavorings are coarse-grained or piece-form. Support for this amendment can be found in the Application-as-filed, for example on Page 8, lines 25 through 30 (Example 1); Page 9, line 29 through 35 (Example 3) and Page 5, line 36 through Page 6, line 3.

Claim 26 is directed to further advantageous aspects of such embodiments in which a layer made of an essentially water-soluble material is arranged between the textile support layer and the transferable edible coating, and the transferable edible coating is crosslinked to impart a smooth coating surface, thereby producing a uniform coating without gaps on the foodstuff. Support for this amendment can be found in the Application-as-filed, for example on Page 5, lines 17 through 21 and Page 6, lines 6 through 13.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

*The Claimed Invention is Patentable*

*in Light of the Art of Record*

Claims 1 through 4, 6, 7, 10 through 12, 13, 15, 16 and 18 through 20 stand rejected over published European Patent Application EP 408164 (EP 164) to Ito et al. Claims 1 through 4, 6 through 16 and 18 through 24 stand rejected over EP 164 in light of United States Patent Application Publication No. 2001/0008658 (US 658) to Barmore.

Applicants respectfully submit that the cited references do not teach or suggest the claimed invention.

EP 164 is directed to food transfer sheets that include a web, a "size" layer, and a separate food material layer. (Figure 1 and Page 2, lines 27 – 29). The size layer is expressly noted as water soluble, with the transfer of the food material taking place under wet or moist conditions. (Page 3, lines 22 -23 and Page 4, line 7) The size layer releases the food material layer upon moistening to "neatly" transfer the food onto the surface of the substrate. (Page 3, lines 20 – 30 and Page 4, lines 5 - 9). Thus the at-least-partially dissolved size layer does not transfer together with the food layer.

EP 164 particularly teaches a matrix layer (1), a size layer (2) and a superimposed food layer (3). (Figure 1 and Page 2, lines 29 – 31). EP 164 indicates that the food layer is deposited onto the surface of the size layer and subsequently "fixed" thereon; however, the food material remains as a discrete layer. (Page 3, lines 33 – 36 and Fig. 1). EP 164 more specifically notes that the size layer is "interposed between" the matrix layer and the food layer. (Page 2, lines 27 – 29; Page 3, lines 8 – 9 and Abstract). As previously noted by the Examiner, the food layer is applied onto the surface of the size layer by dusting or the like. (Page 3, lines 31 – 42). Working Example 1 applies 150 g/m<sup>2</sup> of herring roe onto a 40 gm/m<sup>2</sup> layer of pullulan sizing, i.e. a combined weight of 190 g/m<sup>2</sup>. (Page 4, lines 19 – 30). Working Example 2 applies 70 g/m<sup>2</sup> of cheese granules onto 30 g/m<sup>2</sup> of pullulan sizing, i.e. a combined weight of 100 g/m<sup>2</sup>. (Page 4, 34 – 39). Working Example 3 applies 200 g/m<sup>2</sup> of cheese granules onto 125 g/m<sup>2</sup> of pullulan sizing, i.e. a combined weight of 325 g/m<sup>2</sup>. (Page 4, 45 – 51).

Applicants respectfully reiterate that EP 164 does not teach or suggest the claimed invention.

Applicants respectfully reiterate that EP 164, expressly teaching its food material as a separate layer, specifically does not teach or suggest the recited coatings comprising a mixture of edible binder that has been mixed with solids or flavorings, as recited in Claim 1 as-amended. Applicants respectfully reiterate that Figure 1 of EP 164 instead clearly indicates the presence of two separate coating layers, i.e. a food layer and a sizing layer, which differ both structurally and

materially from the recited single layer of binder containing solids or flavorings, in contrast to the urgings of the outstanding Office Action on Page 8, first paragraph. The urgings in the outstanding Office Action on Page 9, Ref. No. 23 that the food of EP 164 is “embedded” or “pressed in” the size layer is purely conjecture. EP 164 instead repeatedly states that the size layer is interposed between the matrix layer and the food layer, and merely notes that the web passes over a “transfer roll.”

EP 164, requiring water soluble resins, also fails to teach or suggest such coatings that are not water soluble or only slightly water soluble, as further recited in Claim 1 as-amended. Applicants further respectfully submit that “not water insoluble or slightly water soluble” is clearly defined within the Application-as-filed on Page 4, lines 33 through 36, as meaning a layer that “remains essentially intact even after the action of moisture.” Hence the inventive coating transfers in its entirety, including both binder and aroma and/or flavoring. In contrast, EP 164 “neatly” transfers the food layer alone.<sup>1</sup>

EP 164 thus can not teach or suggest such coatings containing binder and aroma and/or dyes and/or flavorings that are transferred completely onto a foodstuff located in the casing, as further recited in Claim 1 as-amended. In fact, Applicants respectfully submit that EP 164 teaches away from such advantageous embodiments by instead teaching that the food layer alone transfers to the substrate.

As indicated by the Examiner, EP 164 likewise fails to teach or suggest such coatings in which the binder further contains crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, as recited in Claim 22. Applicants respectfully submit that to modify

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<sup>1</sup> The outstanding Office Action at Page 8, Ref. No. 22 urges on that EP 164 and the instant application note similar binders. Applicants respectfully submit that many binders are available in both water soluble and not-water soluble versions. In that regard, gelatin can be cold water soluble (commercially available as “gelatin fix,”) whereas other gelatin types are insoluble. Cross-linked gelatin is insoluble in cold and hot water, as described in United States Patent No. 4,784,659. There is thus no discrepancy between the present application and the reference, although both recite gelatin as a suitable binder component.

EP 164 so as to negate the water solubility of its size layer would altogether change its principle of operation.

As further correctly indicated by the Examiner, EP 164 also fails to teach or suggest inventive food casings incorporating a layer made of an essentially water-soluble material arranged between the textile support layer and the transferable edible coating, as recited in Claims 23 and 24.

Nor does EP 164 teach or suggest advantageous embodiments in which the casing has a coating weight ranging from  $33 \text{ g/m}^2$  to  $59 \text{ g/m}^2$  and the aroma substance, dyes and/or flavorings are coarse-grained or piece-form, as recited in newly added Claim 25. EP 164 instead teaches significantly higher combined coating weights ranging from  $100 \text{ g/m}^2$  to  $325 \text{ g/m}^2$ .

EP 164 similarly fails to teach or suggest advantageous embodiments in which a layer made of an essentially water-soluble material is arranged between the textile support layer and the transferable edible coating, and the transferable edible coating is crosslinked to impart a smooth coating surface, thereby producing a uniform coating without gaps on the foodstuff, as recited in newly added Claim 26.

Accordingly, Applicants respectfully submit that EP 164 does not anticipate or teach or even suggest the claimed invention, considered either alone or in combination with the remaining art of record.

US 658 does not render the claimed invention obvious in combination with EP 164.

In contrast to the claimed textile support, US 658 is directed to films having a transferable coating. [0008 and 0047]. The films of US 658 can exhibit up to 70 % shrink. [0104 – 0111 and 0100]. The coatings of US 658 may be applied by gravure coating, printing or lithographic coating. [0009]. US 658 indicates that the films may be “printed” with coating on a portion of the product. [0009]. The working examples of US 658 apply liquid smoke or caramel via a gravure roll. [0166]. US 658 provides an extensive list of suitable binders that fails to include gelatin and collagen. [0014]. US 658 notes that an intermediate primer layer may be present that includes a crosslinking agent and/or a release agent. [0023].

Applicants respectfully submit that US 658 does not teach or suggest the claimed invention.

US 658, solely directed to films, does not teach or suggest the inventive food casings incorporating a textile support layer.

Nor does US 658, providing an extensive list of binders other than gelatin or collagen, teach or suggest such inventive food casings in which the binder is gelatin or collagen, as recited in Claim 22 as-amended.

US 658 also fails to teach or suggest inventive food casings incorporating a layer made of an essentially water-soluble material arranged between the textile support layer and the transferable edible coating, as recited in Claims 23 and 24. In contrast to the urgings in the outstanding Office Action on Page 7, Ref. No. 17, US 658 does not teach a “release layer” including water soluble materials. US 658 instead expressly teaches an intermediate primer layer containing crosslinker and/or a release agent.

Nor does US 658 teach or suggest advantageous embodiments in which the casing has a coating weight ranging up to  $59 \text{ g/m}^2$  and the aroma substance, dyes and/or flavorings are coarse-grained or piece-form, as recited in newly added Claim 25. US 658 is instead directed to the gravure or lithographic printing of films. Applicants respectfully submit that such coating methods, known in the art to apply very thin layers, would not be expected to apply up to a  $59 \text{ g/m}^2$  coating weight. Applicants further respectfully submit that the gravure or flexographic printing of US 658 does not teach or suggest the application of substances, dyes and/or flavorings that are in coarse-grained or piece-form, as further recited in Claim 25 as-amended.

US 658 likewise fails to teach or suggest advantageous embodiments in which a layer made of an essentially water-soluble material is arranged between the textile support layer and the transferable edible coating, and the transferable edible coating is crosslinked to impart a smooth coating surface, thereby producing a uniform coating without gaps on the foodstuff, as recited in newly added Claim 26. As noted above, US 658 instead merely teaches an intermediate primer layer containing crosslinker and/or a release agent.

Accordingly, Applicants respectfully submit that US 658 does not teach or even suggest the claimed invention, considered either alone or in combination with the remaining art of record.

Applicants further respectfully submit that there would have been no motivation to have combined EP 164 and US 658. Applicants respectfully submit that food casings suitable for one application will not automatically work in another application, as each application has its own unique requirements. Therefore, a casing for one application may not suggest a solution for another application.

However, even if EP 164 and US 658 were combined (which Applicants did not do), the claimed invention would not result.

The combination particularly does not teach or suggest the inventive food casings including a textile support layer and a single-layered transfer coating, in which the coating is not water-soluble or is only slightly water-soluble and transfers completely onto a foodstuff located in the casing. Applicants respectfully submit that, at best, the combination of EP 164 and US 658 would result in a film-based casing having a water soluble sizing layer onto which is deposited a food layer.

Nor does the combination teach or suggest advantageous inventive food casings in which the edible binder is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, as recited in Claim 22 as-amended. EP 164 requires a water soluble size layer, while US 658 does not teach or suggest gelatin or collagen.

And the combination most certainly does not teach or suggest such inventive food casings in which a layer made of an essentially water-soluble material is arranged between the textile support layer and the transferable coating that contains water insoluble edible binder, as recited in Claims 23 and 24. EP 164 does not teach or suggest an intermediate layer. US 658 merely teaches an intermediate primer layer that contains crosslinker or release agent.

The combination similarly fails to teach or suggest such inventive food casings in which the casing has a moderate coating weight ranging from  $33 \text{ g/m}^2$  to  $59 \text{ g/m}^2$  and the aroma substance, dyes and/or flavorings are in coarse-grained or piece-form, as recited in newly added Claim 25. EP 164 expressly teaches far heavier total coating weights, while the printing methods of US 658 would not be expected to apply the recited moderate coating weights or coarse-grained or piece-form materials.

The combination thus can not teach or suggest such food casings in which a layer made of an essentially water-soluble material is arranged between the textile support layer and the transferable edible coating, and the transferable edible coating is crosslinked to impart a smooth coating surface to the coarse-grained or piece-forms, thereby producing a uniform coating without gaps on the foodstuff, as recited newly added Claim 26.

Accordingly, Applicants respectfully submit that EP 164 and US 658 do not teach or suggest the claimed invention, considered either alone or in combination.

### **CONCLUSION**

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 4, 6 through 16, 18 through 20 and 22 through 26 are in condition for allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



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I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office PAIR System in accordance with 37 CFR § 1.6(a)(4) on January 21, 2010.

A handwritten signature in cursive script, reading "Claire Wygand".

Ms. Claire Wygand